

Subhash Vs. State of Kerala

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Subhash

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 27TH DAY OF MARCH 2014 6TH CHAITHRA, 1936 Bail Appl..No. 2131 of 2014 () ----- CRIME NO.163/2014 OF THEKKUMBHAGOM POLICE STATION ----- PETITIONER/ACCUSED :- ----- 1. SUBHASH M, AGED 22 YEARS S/O. MANOHARAN, SUMESHALAYAM, NADUVATHUCHERI CHAVARA SOUTH POST, THEKKUMBHAGOM VILLAGE, KOLLAM DIST PIN-691584 2. VISHNU U., AGED 22 YEARS S/O.PURUSHOTHAMAN @ UTHAMAN, PUTHENVAYALIL HOUSE NADUVATUCHERI MURI, THEKKUMBHAGOM VILLAGE KOLLAM DISTRICT-691584 BY ADVS.SRI.JAI GEORGE SMT.DAISY A.PHILIPOSE RESPONDENT/COMPLAINANT :- ----- STATE OF KERALA REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

----- B.A. No.2131 of 2014 ----- Dated this
the 27th day of March 2014

ORDER

Petitioners are accused Nos.1 and 2 in Crime No.163/2014 of Thekkumbhagom Police Station. The offences alleged against them and other accused are punishable under Secs.143, 144, 147, 148, 323, 324, 326 and 308 r/w 149 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. The allegation is that the accused persons formed themselves into an unlawful assembly and committed rioting with deadly weapons near the workshop where the de facto complainant was working and asking whether he will trouble or cause nuisance to the sister of one of the accused attacked the complainant with stick of glyrcedia plant. It is alleged that subsequently Sec.326 IPC was added as the complainant had sustained fracture to one of the meta B.A. No.2131 of 2014 -:

2. :- carpal bones.

3. Learned counsel for the petitioners submits that a complaint was given by the sister of one of the accused against the de facto complainant herein alleging offence punishable under Sec.354A of IPC since the de facto complainant herein was causing annoyance and difficulty to the sister and that it became impossible for the girl to pass along the road in front of the workshop and this crime has been registered to wreck vengeance.

4. Considering all the aspects the following directions are issued: The petitioners shall surrender before the Investigating Officer within 10 days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will grant bail to the petitioners but on the following conditions: a. The accused shall execute a bond for 20,000/- (Rupees Twenty Thousand only) each with two B.A. No.2131 of 2014 -:

3. :- solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate

can insist for production of the attested photo copies of the original title deeds of the sureties. b. The accused shall make themselves available for interrogation by the Investigating Officer and should appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. c. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. N.K.BALAKRISHNAN, JUDGE.
Jvt

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